

REGULAR CITY COUNCIL MINUTES
TELECONFERENCE/VIRTUAL MEETING

April 23, 2020

MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Gonzalez called the meeting to order at 6:07 p.m. via teleconference/virtual meeting.

ROLL CALL

Council Members Present: Gonzalez, McFarland, Rodriguez, Melendez, Perez
Council Members Absent: None

OFFICIALS PRESENT

Interim City Manager Pennell, City Attorney Schroeter, Interim Chief of Police/Interim Assistant City Manager Davis, City Clerk Ceja, Administrative Services Director Mosqueda, Community Development Director Lara, and Public Works Director Gonzales

INVOCATION

Mayor Pro Tem McFarland

PLEDGE OF ALLEGIANCE

Council Member Perez

PRESENTATIONS AND PROCLAMATIONS

None

PUBLIC COMMENTS

***Note: ALL PUBLIC COMMENTS SUBMITTED IN WRITING WERE COPIED AND DISTRIBUTED TO ALL COUNCIL MEMBER PRIOR TO THE MEETING.**

Ms. Dolores Huerta, did not state address. Ms. Huerta urged city council not to make a decision tonight regarding GEO and asked to postpone the matter until everyone can gather safely.

Alondra Duran, did not state address. Ms. Duran is with Victory for Central Valley. Ms. Duran asked council to postpone the item until everyone can gather safely and not to proceed with voting on GEO tonight.

Rosa Lopez, 347 E. Perkins Ave, McFarland. Ms. Lopez expressed her concerns with moving forward with tonight's vote regarding GEO and asked not to proceed with the vote.

Sandra Hernandez, 904 Kala Loop, McFarland. Ms. Hernandez would like the meeting to be postponed until everyone can gather safely.

Alex Gonzalez, did not state his address. Mr. Gonzalez expressed his concern regarding numerous community members not being able to participate in the meeting and asked council to postpone the meeting.

Mayor Gonzalez asked City Attorney if the meeting needed to be cancelled because community members could not join the meeting in which City Attorney replied and said that the meeting did not have to be postponed.

Mayor Gonzalez stated that the teleconference/virtual meeting did have a limit of 100 participants and if the meeting was held at the council chambers the city will not be able to hold 100 participants so this way the city has accommodated to allow for more participants.

CONSENT AGENDA

1. Motion by Council Member Perez, seconded by Mayor Pro Tem McFarland, and unanimously carried to approve the warrant register for \$434,336.21 from March 31, 2020 through April 14, 2020.

Vote: 4-0

Ayes: Perez, McFarland, Melendez, Rodriguez

Nays: None

Absent: None

Abstentions: Gonzalez

Note: Council Member Gonzales recuses herself from item #1 due to conflict of interest.

2. Motion by Council Member Perez, seconded by Mayor Pro Tem McFarland, and unanimously carried to approve the minutes of regular City Council meeting of April 09, 2020.

Vote: 5-0

Ayes: Perez, McFarland, Melendez, Rodriguez, Gonzalez

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARING

***Mayor Pro Tem recused himself and left the meeting due to conflict of interest. He is employed with the GEO Group.**

1. Motion by Council Member Perez, seconded by Council Member Rodriguez, and unanimously carried to adopt Resolution No. 2020-0013, its suggested findings, and approve Conditional Use Permit No. 01-96 with the added condition of the scholarship program and consideration to meet with the Superintendent.

Vote: 4-0

Ayes: Perez, Rodriguez, Melendez, Gonzalez

Nays: None

Absent: None

Abstain: McFarland (Mayor Pro Tem McFarland recused himself from the meeting due to conflict of interest. He is employed with the GEO Group.

2. Motion by Council Member Perez, seconded by Council Member Rodriguez, and unanimously carried to adopt Resolution No. 2020-0014, its suggested findings, and approve Conditional Use Permit No. 02-96 with the added condition of the scholarship program and consideration to meet with the Superintendent.

Vote: 4-0

Ayes: Melendez, Rodriguez, Perez, Gonzalez

Nays: None

Absent: None

Abstain: McFarland (Mayor Pro Tem McFarland recused himself from the meeting due to conflict of interest. He is employed with the GEO Group.

Community Development Director Lara read her staff report and Interim City Manager Pennell presented to council his comments of why it is important to vote in favor of both conditional use permits. The comments included the financial restraints the city has, the struggles with street potholes, employees leaving the city for better opportunities, shortage of public safety officers, struggles to pay the County for fire services, and lastly the city will lose its largest water and sewer customer with devastating financial results.

Council Member Melendez asked if there is a formula that the city goes by for impact fees. Community Development Director Lara responded and said there is a formula for the community facilities district but for item #6 it is a mitigation fee that Mr. Pennell and city staff negotiated with GEO Group. Community Development Director Lara stated that for item #7 there is a formula.

Mr. David Venturella gave a presentation on behalf of GEO in which he stated the following:

- a. Creation of 420 jobs (210 jobs at each location).
- b. Pay increase from \$16.50 to \$46.57 an hour in which City of McFarland residents will have a chance to apply for these jobs.
- c. \$511,000 mitigation payment to the city with a 15-year term with a CPI in place.
- d. Remove exterior fencing and secure with new fencing without razor fencing.
- e. New decorative solid fencing along Taylor and extend the wall that runs North South of Mast Ave and partially on Taylor Ave.

- f. Chain link fence will be extended or replaced with secure fabric to provide more privacy.
- g. Repave and add new street lighting along Frontage Rd from W. Sherwood Ave to Taylor Ave.
- h. New sidewalks and curbs that will be installed along Frontage Rd and Cliff Ave and plan to extend sidewalks and curbs along the South side of Taylor Ave and along Taylor Ave new street lights to complete the street lighting.
- i. New city monument sign north of the facilities and landscaping at the Golden State Hwy Southbound exit ramp to W. Sherwood Ave.
- j. Each year, applicant shall award a \$1,000.00 scholarship to each graduating senior from the McFarland High School who is accepted to any of the following within one year after his or her graduation: a vocational school, a for-profit college (e.g., Phoenix University), a community college, a state college, or a public or a private university. Each scholarship shall be paid to the student within thirty (30) days of notice to applicant of the student's acceptance to any of the foregoing either by the school district, the City, or the student with appropriate verification. This shall continue annually for the duration of the applicant's contract. Once awarded to a student, the student is not required to refund any portion of the scholarship should the student fail to graduate or remain in school or fail to attend at all. This condition shall become effective thirty (30) days after the opening of the facility.

Council Member Melendez asked the following questions:

Melendez: Asked if GEO is only providing housing for inmates that the federal government is bringing in.

Mr. Venturella: GEO is providing housing, medical care, and food as well as some types of programming, recreation, and access to legal materials.

Mr. Melendez: Asked how many ice enforcement agents will be stationed at the facility.

Mr. Venturella: GEO does not expect to have many and he gave an example that in Bakersfield that they house about 400 individuals and ice officers do not have a presence there. They may come in to talk to the detainees to provide paperwork and other documentation so they are not there full time but they do have some work space to work when they are there.

Mr. Melendez: Asked if they are there for the processing party.

Mr. Venturella: Said that that was correct.

Mr. Melendez: Asked how long does an inmate reside at a processing station.

Mr. Venturella: He said that typically the national average is about 51 days which is different than the population that resided there for the State of California which was 2 to 3 years.

Mr. Melendez: Asked why it is important for GEO to follow up on complaints and concerns.

Mr. Venturella: He stated that it is important because they pride themselves in being a high quality professional service provider and they are audited by a number of agencies at the federal and state levels.

Mr. Melendez: Asked how many jobs will McFarland residents be qualified for.

Mr. Venturella: Stated that most of the jobs individuals can qualify for and because of the standards that GEO has in place and the training that they provide a lot of individuals could qualify for any numbers of those positions

Mr. Melendez: Praised Mr. Venturella for helping a lady obtain her permanent status.

Mr. Venturella: He said he was happy to help her and they certainly encourage anyone who is in the process of obtaining permanent status.

Mr. Melendez: Asked if GEO would consider meeting up with our Superintendent of McFarland and maybe form a vocational type of security classes.

Mr. Venturella: He said he would certainly be open to it.

Mayor Gonzalez asked the following questions:

Mayor Gonzalez: Asked if GEO will be willing to help the police department with the trunk- or-treat or Easter event by donating supplies or even help the community out with resources for the COVID-19 pandemic.

Mr. Venturella: He said absolutely and stated that GEO recently participated in a food drive with the Lions Club.

Mr. Pennell: Asked if GEO would be ok with city council incorporating the scholarship offer into the conditions of approval.

Mr. Venturella: Said he had no.

Mayor Gonzalez: Asked if at any time council can visit the facility to ensure the community that the detainees are being treated fairly.

Mr. Venturella: He responded with a yes and stated the community advisory board has the opportunity to have input and the city has fire and safety and health inspections that are done by the city and the county as well.

Mayor Gonzalez: Asked if in his experience working with Ice, he's seen Ice officers driving around town because community members have that fear.

Mr. Venturella: Stated that he has not seen or experienced that.

Mayor Gonzalez: Asked if an Ice officer is off duty, can they arrest someone?

Mr. Venturella: Stated that no that is not how typically Ice operates. He said that normal policy is that they conduct enforcement operations that are targeted specifically for individuals that they have arrest warrants for.

Public Comments:

***City Clerk informed Mayor and Council that there were 848 written comments received. Copies of the written comments were made and delivered to Mayor and Council. Mayor Gonzalez asked Council to acknowledge receipt of written comments in which they all confirmed they received the copies.**

Rosa Lopez, did not state address. Ms. Lopez asked council to allow more community members to join and why the rush to proceed with the GEO vote.

Gabriela Ochoa, did not state address. Ms. Ochoa mentioned that she has witnessed the mistreatment of individuals and urged council not to proceed with the GEO vote.

Sandy Valenciano, did not state address. Ms. Valenciano expressed to council that there has been numerous letters expressing their interest to help the city to find financial solutions and believes the city is rushing the GEO vote.

Florice, did not state address. Ms. Florice commented that she had previously been detained by GEO and mentioned to council what she went through while she was detained.

Orlando, did not state address. Mr. Orlando stated his concern with GEO and the mistreatment.

Daniel Newike, did not state address. Ms. Newike expressed her support with GEO.

Marcela Hernandez, did not state address. Ms. Hernandez urged council to deny the appeal for the GEO CUP's.

Cynthia Galas, did not state address. Ms. Galas mentioned that GEO hasn't been truthful, GEO employees are not happy with their job, and there are hunger strikes that are currently happening.

Char, did not state address. Ms. Char feels that it is the council's responsibility to protect the community and expressed that community members will not feel safe if the GEO vote passes.

Speaker did not state name or address. Speaker urged council not to proceed with the GEO vote and asked the council to focus on protecting and helping the community.

Andy Levin, did not state address. Mr. Levin expressed to council that the protestors are not the outsiders but big corporations like GEO are and mentioned that he will leave McFarland feeling ashamed and embarrassed.

Pastor Trina Turner, did not state address. Pastor Turner mentioned that she is embarrassed of the behavior of the elected officials that have prioritized the needs of GEO and not the community.

Javier Lopez, did not state address. Mr. Lopez expressed his support with GEO because he feels that the city is in need of police services and street maintenance.

Esmeralda Gonzalez, did not state address. Ms. Gonzalez asked GEO said they will help with scholarships and jobs when they haven't helped before.

Aurora Castañeda, did not state address. Ms. Castañeda mentioned that she has been a recipient of the GEO scholarship but is willing to give the money back to support the community that is in fear.

Alejandra Figueroa, did not state address. Ms. Figueroa expressed her discontent with council and said this is an embarrassment for the city.

Amber Hernandez, did not state address. Ms. Hernandez expressed her confusion with council wanting to protect the city yet corrupt police officers are being hired.

Roberto Osorio, did not state address. Mr. Osorio expressed that the main focus should be the protection of the community and not GEO.

Gerry Brochu, did not state address. Mr. Brochu congratulated Mayor Gonzalez and Council Member Rodriguez on their appointment and expressed his discontent with the way the people are expressing themselves about GEO because that is not how GEO operates.

Public comments ended at 8:56 pm.

Chief Davis addressed the concerns of Ambar Hernandez related to corrupt police officers and bad police services and assured Ms. Hernandez that those issues are in the past now and McFarland is now committed to hiring and retaining nothing but the highest quality of officers.

Community Development Director Lara commented that GEO is part of solving some of the financials problems that the city has and although it will not fix the problem it will give the city hope for the future.

Council Member Melendez expressed to City Manager Pennell that if the city does move forward with GEO he would like the money coming in to be monitored closely and for it to go to police and roads only. City Manager Pennell assured Council Member Melendez that the money will go to those priority expenditures.

Motion by Council Member Perez, seconded by Mayor Pro Tem McFarland, and unanimously carried to approve the minutes of regular City Council meeting of April 09, 2020.

Vote: 5-0

Ayes: Perez, McFarland, Melendez, Rodriguez, Gonzalez

Nays: None

Absent: None

Abstentions: None

DEPARTMENTAL REPORTS

- a. Administration – Mr. Pennell informed Council that he will suspend the retention bonus program for employees due to finances. He mentioned there is a vacant seat for the KEDC board. This item will be at the next council meeting for the appointment of a Council Member to the KEDC board.
- b. Police Department – Chief Davis informed Council of a fire at 288 Browning Rd and thanked all staff who assisted the police department.
- c. Finance Department- Mrs. Mosqueda thanked the Council for their tuff decision made tonight and spoke on COVID-19 and the financial impact due to the pandemic.
- d. Public Works Department – Mr. Gonzales reported on changes to the Public Works employees schedule due to COVID-19. Projects are on hold due to COVID-19.

ADMINISTRATIVE AGENDA

None

ORAL REPORTS FROM CITY COUNCIL ON COMMITTEES

- a. Delano Mosquito Abatement District (DMAD) – None to report.
- b. Kern Council of Governments (KCOG) – None to report.
- c. McFarland Tri-Agency Partners (MTAP) – None to report.
- d. Kern Economic Development Corporation (KEDC) – None to report.
- e. Kern County Association of Cities (KCAC) – None to report.
- f. Poso Creek IRWMP- None to report.

COUNCIL STATEMENTS

Mayor Gonzales thanked all staff and the community and expressed that tonight’s decision was difficult and they have to do what is best for the community.

Council Member Melendez thanked everyone.

Council Member Perez invited all community members to participate in the council meetings, town hall meetings and community events.


Council Member Rodriguez thanked Council for trusting him to serve in the Council.

CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn the meeting at 9:35 pm.



Claudia Ceja, City Clerk

